

REMARKS

In the Office Action dated October 6, 2004, claims 1-3, 8, 10, 17, 19, 20, 24, 25, 28, 31, and 33 are rejected under 35 U.S.C. §102(b) for §103(a). Claims 1-27 are rejected under 35 U.S.C. §112, second paragraph. The drawings are objected to. Claims 4-7, 9, 11-16, 18, 21-23, 26, 27, 29, 30, and 32 are objected to, but indicated as being allowable is rewritten in independent form.

For the reasons set forth herein, it is respectfully submitted that Applicant's invention defined in the rejected claims includes features which are not anticipated or rendered obvious by the cited references taken singly or in any permissible combination. Reconsideration is, therefore, respectfully requested.

Applicant's attorney would like to take this opportunity to thank patent Examiner J. Morrow for his time and courtesies extended during a personal interview conducted on November 16, 2004. During the interview, proposed amendment to claim 1, as substantially set forth herein, was discussed with the Examiner and the prior art. The Examiner suggested that additional language might be necessary to differentiate the invention from the prior art.

In the Office Action the drawings are objected to. Accordingly, replacement drawings and specification amendments are submitted herewith to address all of the drawing objections raised by the Examiner.

Claims 1-27 are rejected under 35 U.S.C. §112, second paragraph. By this Communication, claims 1, 8, and 32 have been amended to address the language noted by the Examiner. This such, it is respectfully submitted that claims 1, 8, and 32 now specifically point out and distinctly claim the subject matter which the Applicant regards as the invention as required by 35 U.S.C. §112, second paragraph. Similar amendments have been made to the newly submitted independent claims.

Claims 1-3, 8, 10, 19, 20, and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Rafi-Zadeh. The Examiner contends that Rafi-Zadeh teaches all the features of Applicant's invention as set forth in claim 1 and the listed dependent

claims. However, it is respectfully submitted that Applicant's invention as set forth in these claims includes features which are not taught or anticipated by Rafi-Zadeh.

Briefly, Rafi-Zadeh teaches a truck bed cover assembly with a desk. The cover is pivotally attached to the upper edge of the sidewalls of the truck bed. The desk is pivotally coupled to an inside surface of the cover so as to enable it to pivoted downward such that a portion rests on the top edge of one of the sidewalls of the truck bed when the cover has been raised to an upward position.

In Applicant's invention defined in claim 1 and the claims depending therefrom, Applicant's article storage apparatus includes a storage compartment mountable over a truck bed and having a first side edge disposed adjacent one sidewall the truck bed and an opposed second side edge disposed laterally inward of the first side edge. Means are coupled to the storage compartment and the truck bed for moving the storage compartment between a first storage position with respect to the truck bed and a second position elevated from the first position in which the second side edge of the storage compartment is disposed above a plane extending between the tops of the sidewalls of the truck bed to allow easy access to the interior of the storage compartment. A cover is also coupled to and movable with the storage compartment to movably close and open portion of the storage compartment.

Thus, Applicant's invention differs from Rafi-Zadeh in that the storage compartment is mountable in a truck bed is movable from a first storage position inside the truck bed to a second position in which laterally inward side edge of the storage compartment is disposed above a plane extending between the tops of the sidewalls of the truck bed to allow easy access to the interior of the storage compartment. A cover is also coupled to a movable with the storage compartment.

Rafi-Zadeh is directly opposed to this structure in that the means for moving the storage compartment between a first storage position and a second elevated access position is not coupled to the truck bed; but rather only to the cover and the top edges of the truck sidewall. Further, the moving means in Rafi-Zadeh is attached to the cover and not the storage compartment.

For these reasons, it is respectfully submitted that Applicant's invention was set forth in claim 1 and the claims depending therefrom includes features which are not taught or anticipated by Rafi-Zadeh.

With respect to claim 20, Applicant's invention has been defined as an article carrier means carried exteriorly on the tonneau cover. The Examiner appears to be contending in his rejection that the article carrier means of Applicant's invention is met by the pivotal desk of Rafi-Zadeh. However, the desk in Rafi-Zadeh is mounted inside of the cover and not exteriorly thereof.

For these reasons, it is respectfully submitted that Applicant's invention as set forth in the claims includes features which are not anticipated by Rafi-Zadeh.

Claims 28, 31, and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by McKneely. The Examiner contends that McKneely teaches all of the features of Applicant's invention as defined in claims 28, 31, and 33.

However, it is respectfully submitted that Applicant's invention as set forth in claims 28, 31, and 33 differs from McKneely in that the article carrier means of Applicant's invention is carried exteriorly on the tonneau cover. The article carrier means 16 in McKneely is actually a longitudinal beam which supports the two pivotal cover panels. McKneely lacks any exteriorly disposed article carrier on the tonneau cover.

For these reasons, it is respectfully submitted that Applicant's invention as defined in claims 28, 31, and 33 patentably defines over McKneely and is not anticipated thereby.

Claims 17 and 24 rejected under 35 U.S.C. §103(a) as being unpatentable over Rafi-Zadeh in view of McKneely. The Examiner contends that Rafi-Zadeh discloses all limitations of these claims except for the divider means. The Examiner cites McKneely for divider means and contends that it would have been obvious to modify the apparatus of Rafi-Zadeh to have a divider means positionable within the storage compartment.

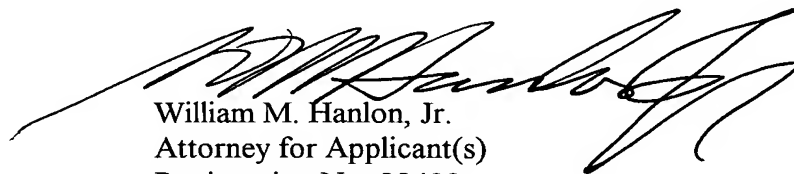
However, any permissible combination of the features of Rafi-Zadeh and McKneely as posed by the Examiner still fails to yield an article storage apparatus having the movable storage compartment means and the cover set forth by the Applicant in claim 1. For this reason, it is respectfully submitted that Applicant's invention as set forth in claims 17 and 24 patentably defines over any permissible combination of the cited references for the same reasons set forth above with respect to claim 1.

Claims 4-7, 9, 11-16, 18, 21-23, 26, 27, 29, 30, and 32 are objected to, but are indicated as being allowable if rewritten in independent form. Accordingly, claims 4, 6, 7, 11, 15, 18, 21, 29, 30, and 32 have been amended to independent form including all of the features of the respective base claim and any respective intervening claims. Claims 23, 26, and 27 remain dependent from claim 1 and are submitted to still be in allowable form pending an allowance of claim 1 for the reasons set forth herein.

In conclusion, it is respectfully submitted that all rejections have been overcome such that all claims 1-33 are in condition for allowance; a notice of which is respectfully requested.

Respectfully submitted,

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WMH/jao

Amendments to the Drawings:

The attached sheets of drawing includes changes to Figs. 1, 2, and 11 to address the objections raised by the Examiner in the Office Action dated October 6, 2004.

The changes to Figs. 1, 2, and 11 are supported by the specification and do not constitute new subject matter.

A full set of replacement drawing containing Figs. 1-20 is attached.

Attachment: Replacement Sheet(s)